Finance Secretariat.

NOTIFICATION.

Bangalore, dated the 12th April 1965

G. S. R. 494.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

"Form No. M. F. C. 45 shall be *substituted* by the following form".

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FORM MFC–45.

(Article 225)

Form of Agreement to be executed before drawing an advance for the Purchase of Motor Vehicle.

AN AGREEMENT made on..... .....day of .....one thousand nine hundred and..... BETWEEN.....(hereinafter called the Borrower which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Governor of Mysore (hereinafter referred to as Government which expression shall include his sucessors in office) of the other part. Whereas the Borrower has under the provisions of the Mysore Financial Code 1958 (hereinafter referred to as the said Rules which expression shall include any amendments thereof for the time being in force) applied to Government for a loan of Rs... ....for the purchase of a motor vehicle and whereas the Government has agreed to lend the said amount to the Borrower on the terms and conditions hereinafter contained NOW IT IS HEREBY AGREED between the parties hereto that in consideration of the sum of Rs..... .....*to be paid* by the Government to the Borrower, the Borrower hereby agrees with the Government (1) to pay the Government the said amount with interest and penal interest if any, leviable calculated according to the said Rules by monthly deductions from his salary as provided

in the said Rules and hereby authorises the Government to make such deductions, and (2) within *three* months from the date of payment of the said sum to expend the full amount of the said loan in purchase of a motor vehicle or if the actual price paid is less than the loan to repay the difference to the Government forthwith, and (3) to execute a document hypothecating the said motor vehicle to the Government as security for the amount to be lent to the Borrower as aforesaid and interest and penal interest if any, leviable, in the form provided by the said Rules and IT IS HEREBY LASTLY AGREED AND DECLARED THAT IF THE MOTOR VEHICLE has not been purchased and hypothecated as aforesaid within three months from the date of the payment of the said sum or if the borrower within that period becomes insolvent or quits the service of the Government or dies, the whole amount of the loan and interest and penal interest if any, leviable, accrued thereon shall immediately become due and payable.

In WITNESS whereof the BORROWER and.....for and on behalf of the Governor have hereunto set their hands the day and year first before written.

*Signed by the said in the
presence of

....

....
(Signature of Witnesses).

....
(Signature and designation of the Borrower).

Signed by (Name and designation).

....
for and on behalf of the Governor
of Mysore in the presence of

....

....
(Signatures of Witnesses).

.....
(Signature and designation of the Officer).

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*Name and designation of the Borrower.

[No. FD 20 RFC 64]

By Order and in the name of the Governor of Mysore,

29 N. S. BHARATH, *Deputy Secy.*

the limits of such port. but were actually exported out of the sea-port or air-port ;

(c) the goods were not carried by an operator who is permitted to make lumpsum payment of the tax under section 14 ;

the tax Officer, may grant him a draw-back or the tax paid in respect of such goods.

2. To claim draw-back admissable under sub rule (1) application shall be made in form IX–A to the Tax officer.

Provided that no application shall be entertained unless it is made within six months from the date on which the goods reached the Sea-port or the Air-port as the case may be.

3. On receipt of an application under sub-rule (2), the Tax officer shall, after making such enquiries as he deems fit. by an order in writing, either grant or reject the application for draw-back. Where the application is rejected, the Tax officer shall record in his order reasons for doing so.

4. The Tax officer may, for the purpose of enquiry under sub-rule (3), to satisfy himself that the goods were actually exported, call upon the operator to produce such records, accounts and other documents and information as he may deem fit.

5. The draw-back may be given either by cash payment or by deduction of such draw-back towards the amount of tax and penalty due from the applicant.

Provided that the Tax officer, shall first apply such amount of draw-back towards the recovery of any amount due in respect of which a notice under section 9 has been served on the operator and shall then pay the balance, if any, to the applicant or set it off against any other amount due from him.

3. Insertion of new Form IX-A :—

After Form IX of the said rules, the following Form shall be inserted, namely :—

"FORM IX-A"

(See rule 21-A)

Application for grant of draw-back.

The Tax Officer,

.....

.....

I/we..... residing at..... Operator/Operators, hereby apply for the grant of the draw-back/setoff of the tax paid by me/us under the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 the particulars of which are furnished below :—

1. Registration mark of the goods vehicle.....
2. Nature of goods.
3. Carried from.....to.....
4. Date on which goods reached airport/seaport.
5. Name of the Consigner.
6. Name of the Consignee.
7. Amount of the tax in respect of which drawback is claimed Rs..... .....

I/We attach the way-bill relating to the journey of the goods vehicle in which the goods were carried.

I/We hereby declare that :—

(a) the goods were not unloaded in the course of the journey except due to mechanical breakdown of the goods vehicle and for a period not exceeding seven days ;

(b) the goods were not used or kept for use within the limits of the Airport/Seaport to which they were carried as stated in item 3 above The goods were not carried back to a point outside the limits of the Airport/Seaport mentioned in item 3 above, but were actually exported out of the Airport/Seaport.

(c) the particulars stated by me/us above are true to the best of my/our knowledge and belief.

Signature or lefthand thumb impression of the operator/s or his agent/s

Date, Name and address"

[No. HD 196 TMT 63].

By Order and in the name of the Governor of Mysore,

20 V. RAMANATHAN, *Under Secy.*

6. Receipts .—A receipt shall be granted to every applicant acknowledging the receipt of the charges and the purpose for which the charges are received.

[No. DRL 24 RPA 61.]

By Order and in the name of the Governor of Mysore,

25 SYED GULAM KHAJA, *Under Secy.*